

Circuit Court of the United States,)  
District of Massachusetts, In equity.

Arthur J. Sullivan et al v. Charles A. White et al.

To the Honorable the Justices of the Circuit Court of the United States within and for the First Circuit and District of Massachusetts.

Arthur J. Sullivan, William J. Gilbert and Richard D'Orsay Boote, all of London in the Kingdom of Great Britain and citizens thereof, bring this their bill against Charles A. White and William F. Smith, both of Boston in said District and citizens thereof, copartners having <sup>their place of business in said Boston, under the name of</sup> ~~Smith, F. Smith & Company.~~ and thereupon your orators complain and say:-

1. That your orators, the said Sullivan and the said Gilbert, are the first and original authors and sole owners of a certain new comic opera entitled and known as "The Pirates of Penzance, or the Slave of Duty", and the words and the music thereof; which said opera was first produced and publicly performed in the year 1879.

2. That in said year 1879, the

said Sullivan and Gilbert, being the authors and owners of the said opera as aforesaid, by an instrument in writing, granted unto your orator, the said R. D'Oyly Carte, the sole and exclusive right to produce the said opera in the United States and Canada, under the supervision and direction of the said Sullivan and Gilbert.

3. That thereafter, after careful preparation therefor and at great expense, the said opera was produced and performed on the stage in the United States, under the personal supervision of your orators, and the same obtained and now has a great and valuable reputation.

4. That neither the said opera nor any part thereof has ever been copyrighted by the said Sullivan and Gilbert or either of them, nor, save as above, has the same, until the wrongful acts of the defendants hereinafter complained of, ever been performed, printed or published; but the same has always been kept in manuscript, only such copies thereof

being allowed to be made as were necessary for the proper rehearsal and performance of the said opera on the stage, and the said copies being most carefully preserved and kept in the possession of your orators and their authorized agents in order to prevent the same from being copied or in any way used save for said performance on the stage.

5. That your orators are the sole and exclusive owners of the said opera and the words and music thereof, and the exclusive right to produce, perform and publish the same and the words and music thereof; which said right is of great value and a source of great profit to your orators; and none of your orators have ever authorized, licensed, consented to or acquiesced in the production, performance or publication of the said opera or the words or music thereof, save as aforesaid, but on the contrary they have always taken great care and precaution to prevent the production, performance and publication thereof, save by themselves; and have never conser-

ted to or acquiesced in any invasion or infringement of their said right.

6. That the defendants well knowing the premises without the license of your orator or either of them, and in violation of your orators' said exclusive right, have published, and exposed and advertised for sale, and sold, at Boston in said District and elsewhere in the United States, and are now engaged in and threaten to continue publishing and exposing for sale and selling large numbers of certain publications, containing reproductions of the words and music of many parts of the said opera, as by copies of said publications herewith produced and shown unto your Honors will fully appear; and announce the publication of and threaten to publish and sell other publications containing the words and music of other portions of the said opera, but how many of such publications the defendants have so published and sold your orators cannot state and pray the defendants may discover

and set forth in answer to this bill.

All which actings and doings are contrary to equity and good conscience and tend to the manifest wrong and injury of your orators in the premises.

7. That your orators will be subject to great and irreparable injury unless they shall obtain the relief hereby sought.

8. That the matter or amount in controversy herein exceeds the amount of five hundred dollars.

Wherefore your orators pray that the defendants may be required to answer the premises under oath; and may be decreed to account for and pay over to your orators all gains and profits by them realized from their said unlawful publications and sales; and to deliver up to be destroyed all remaining copies of their said publications, and the type or plates from which they are printed; and that they may be restrained by an injunction of this Court, from advertising, publishing, ex-

shall they may be restrained in like manner  
by a restraining order of this Court till the pray or  
for an injunction may be heard and decided;

posing for sale or selling, any of  
said publications or any publications containing the words or  
music of the said opera or any  
<sup>and from selling or using the said types or plates</sup>  
portion thereof; and that they  
may be enjoined in like man-  
ner and to like effect pending  
this suit; and that your orators  
may have such other and further  
relief as to your Honors may  
seem meet and the nature of  
the case may require.

And to the end that your  
orators may have such discovery  
and relief, may it please your  
Honors to grant unto your orators,  
units of injunction, <sup>and a restraining order</sup> conformable  
to the prayer of this bill and  
also a unit of subpoena, to be  
directed to the said Charles A.  
White and William F. Smith, com-  
manding them at a certain time  
and under a certain penalty there-  
in to be limited, personally to be  
and appear before this Honorable  
Court, then and there to answer  
this bill, and to do and receive  
what to your Honors shall seem

meet.

Arthur S. Sullivan.

William S. Gilbert.

R. W. W. Barts.

by Brown, Holmes + Brown

Boston + of course.

Oct. 7, 1879 1391  
Arthur S. Sullivan et al.

c.

Charles S. White et al.

Bill of Complaint

Recorded  
24th.

Subpoena and return fine rules  
bank, June 9, 1882.  
Summons return April 24, 1880, Boston



Circuit Court of the United States }  
District of Massachusetts } In equity  
No 139  
Arthur S. Sullivan et al

vs  
Charles A. White et al  
Sowell J. On this twenty fourth  
day of April AD 1880 the  
parties in the above entitled  
cause appeared by their  
Counsel, Alexander P. Brown  
Esq for Plaintiff and  
Thomas W. Clarke Esq for  
Defendant, and desired that  
the hearing of the motion  
for injunction be had on  
this day, and therupon on  
motion of Alexander P.

Brown Esq, Defendants  
counsel saying that he had  
examined the case and advi-  
sed Defendants that they had  
no defense and stating they should  
make no defense,

It is ordered adjudged and  
decreed that ~~the defendants be informed~~  
perpetrante lite ~~issue~~ <sup>until further order</sup> according  
to the prayer of the Bill, ~~and~~  
~~but the remaining sides~~  
~~sent to you if you be content~~  
~~with~~.

And counsel for Defendant  
further desiring that the cause  
be now <sup>heard</sup> disposed of finally  
without further delay or ex-  
pense ~~as on bill of information as on~~  
~~trial having no plausibles or proof,~~  
On motion of Alexander &  
Brown Esq of counsel for

Complainants, defendants come  
stl agreeing to the form of  
the decree,

It is ordered, adjudged and  
decreed that the said ~~legisla-~~  
~~tion be made perpetual, and~~  
that defendants have injunction  
in the exclusive rights of the  
complainants as set forth in  
the Bill, and that the defen-  
dants profits be assessed at  
the sum of one dollar,  
~~and~~ that complainants recover  
the sum of one dollar  
as profits ~~& damages~~, and  
costs taxed at ~~one~~ ~~one~~ dollar

and ~~that~~ ~~it~~ ~~be~~ ~~done~~  
and it is further ordered and  
decreed that ~~the~~ ~~defendant~~ ~~be~~ ~~remonstrated~~  
~~against~~ ~~the~~ ~~defendant~~ ~~be~~ ~~remonstrated~~  
~~made~~ ~~and~~ ~~to~~ ~~be~~ ~~made~~ ~~perpetual~~.

By the Court: John H. Long, Jr.

1391

Indica. et c.  
J.

Private doc

—  
Final process

4

Received April 24, 1907

Circuit Court of the United States  
District of Massachusetts  
and vicinity.

Arthur S. Sullivan et al.

Charles E. H. H. et al.

Alfred Abbott of London, England  
being duly sworn says:

I am 36 years of age and reside  
in London, England. I am by profes-  
sion a musician, conductor of the  
Opera Bouque in London, and also  
of the Promenade Concerts at the Royal  
Palace Opera Covent Garden Theatre,  
and I am composer of several operas,  
obligato, and other music, etc.  
I have been associated with the late  
Gilbert and Sullivan, the author and  
composer respectively of the opera  
known as the "Pirates of Penzance," or  
the Slave of Duty" from the beginning  
and the musical director and conduc-  
tor, have had charge of the instru-  
ments and drill of the principal  
artists and of the choruses of the

four companies are playing the  
opera in this country and I am  
in consequence thoroughly familiar  
with the music of the opera and  
have written out many measures  
which will be necessary for a  
pianoforte by those companies.  
At my request the musical direc-  
tor has given me full information  
of the score and each part should  
be most carefully studied. At  
the first performance, at the end of each  
performance all the scores and parts  
are collected by a person  
detailed for the purpose and in a  
pocket which is sealed and given  
to my hatbox or other carrying place.  
I had been informed and I now  
believe that on the first performance  
no publications are made when the  
piece is produced by the other  
companies.

I have carefully examined the  
annexed publications, marked "A" and  
"B" pertaining to the arrangement  
of airs or melodies from the  
Pirates of Penzance.

pages leave the small bars are  
introduction of portions of the  
obea with the exception of occa-  
sional and slight inaccuracies  
(at passages marked x) or a not  
or no, but no slight idea of it  
would not be detected except by  
a person entirely conversant with  
the original composition. The  
introduction comprise all of it  
except eight bars of "Introduction."  
so called, eight bars of conclusion  
and twenty-one bars in all through-  
out the piece. of such modulation  
as is commonly employed in all  
languages of this sort is connect-  
ed them with the rest. There are  
no hundred-and-fifteen bars in the  
piece, of which all but thirty are  
are of introduction. The con-  
clusion is an imitation though  
of the original and musically in-  
accurate of the harmonies of the  
original.

In the publication under  
"B" I find likewise a substantial  
introduction of portions of the  
original work which I have marked  
with a small line over it.

four bars of conclusion and eight  
bars of modulation, not found  
in the original. The piece contains  
about one hundred bars, of which  
all but twelve are a modulation.

I further declare that in my  
own knowledge and on information,  
that Messrs. Gilbert and Sullivan  
have always taken every in-  
caution to prevent the words and  
the music of the "Pirates of Penzance"  
from being made public, except by  
performance on the stage by their  
authorized companies, and that  
no copies of either words or music  
have been allowed to be made  
except those absolutely necessary  
for use in the performance which  
have been made by me or under  
my own supervision and are  
most carefully kept and guarded.  
And furthermore I have always  
followed, in all other respects,  
the instructions of Messrs. Gilbert  
and Sullivan, that every conceivable  
be taken to prevent the words or  
music from becoming public.

Alfred Cellier.

United States of America  
State and District of Massachusetts  
County of Middlesex,

At Boston, I, said John Smith  
and County this 20<sup>th</sup> day of July  
A. D. 1881, personally attested  
to have received \$100 million  
from personally known, and  
who subscribed the above affi-  
davit, and made known to me  
that the statements therein-  
afore are true.

John Smith  
Witness  
Notary Public.



Arthur S. Sullivan 1391  
1391  
1391

1391

Charles A. White, 1391

"A"

J. H. Taylor  
N. Y.

# PIRATES of PENZANCE

The popular Airs arranged for

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Potpourri. Lancers Quadrille.

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Waltz. E. H. BAILEY.

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## Vocal Gems.

1. Ruths Song	.35
2. The Pirate King	.35
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4. Policemans 1 <sup>st</sup> Chorus. When the foeman &c	.35
5. Policemans 2 <sup>d</sup> Chorus. When a felon &c	.35
6.	
7.	
8.	

## Instrumental.

1. Potpourri de Concert (4 Hds. 1.00)	<i>C. D. Blake</i>	.35
2. Lancers Quadrille	<i>E. H. Bailey</i>	.50
3. Waltz	" "	.50

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# PIRATES OF PENZANCE.

## GRAND POTPOURRI DE CONCERT.

by Chas. D. Blake.

Introduction.

Chorus  
Pendle  
ash

Tempo di March. (PIRATES' CHORUS AND MARCH.)



## (MABEL'S SONG.)



Tempo di Valse.



4

8

pp

f

ff

ff

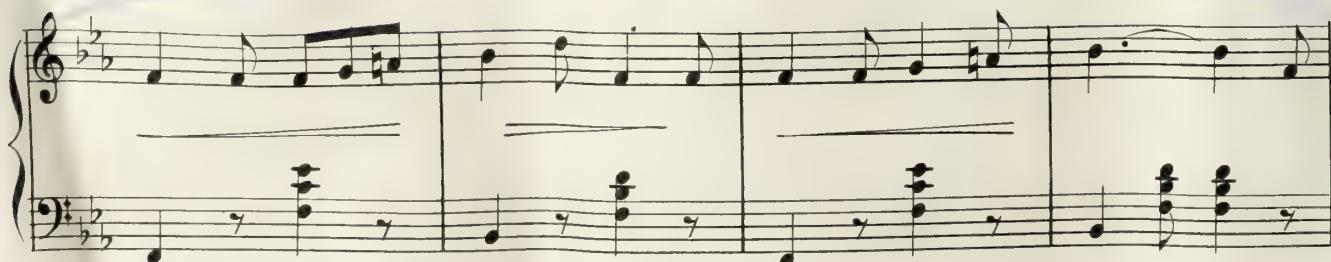
(MAJOR GENERAL'S SONG.)

A handwritten musical score for piano, featuring five staves of music. The score is in common time (indicated by '2/4') and in G major (indicated by a single sharp sign). The music consists of two parts: a treble clef part and a bass clef part. The treble clef part contains mostly eighth-note patterns, while the bass clef part contains mostly quarter-note patterns. The score is divided into measures by vertical bar lines. The music is written on five staves, with the first and second staves being treble clef and the third, fourth, and fifth staves being bass clef. The score is written in black ink on a light-colored background.



(PIRATE CHIEF.)

Tempo di March.





## (RUTH'S SONG.)



## (POLICEMAN'S SECOND CHORUS.)

6

(POLICEMAN'S SECOND CHORUS.)

X

X

X

f

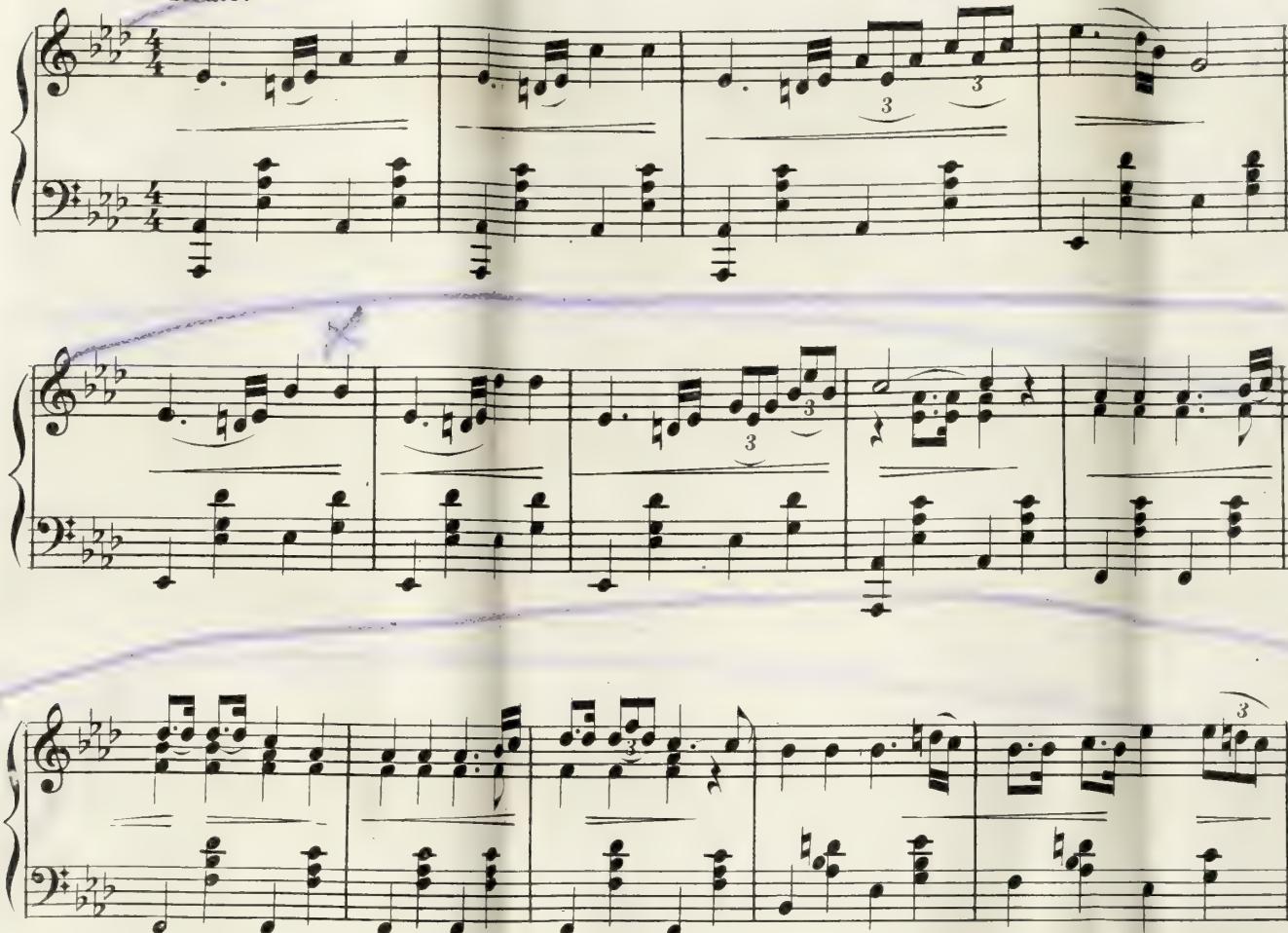
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2



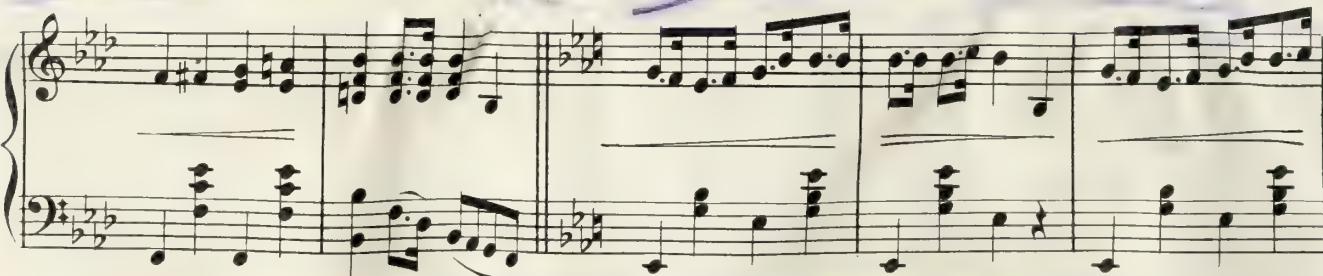
10 (ON TO VICTORY.)

Moderato.



B 15

(POLICEMAN'S FIRST CHORUS.)



A 23











*B.*  
J. H. Taylor & Co.

FAVORITE MELODIES

FROM THE

**PIRATES <sup>OF</sup> PENZANCE**

—BY—

**E. COLVILLE.**

4

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A

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# PIRATES OF PENDZANCE.

## FAVORITE MELODIES.

EUGENE COLVILLE.

*TEMPO DI MARCIA.*

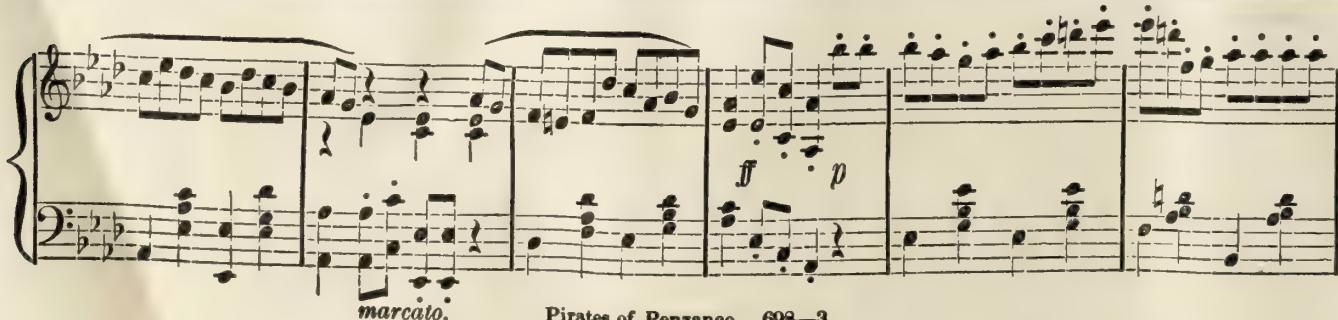
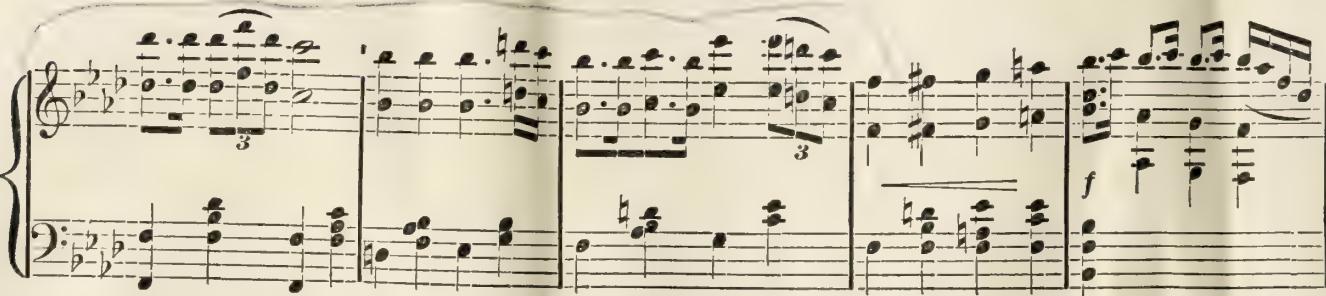


Copyright 1880, by Louis P. Goullaud.  
698-3.

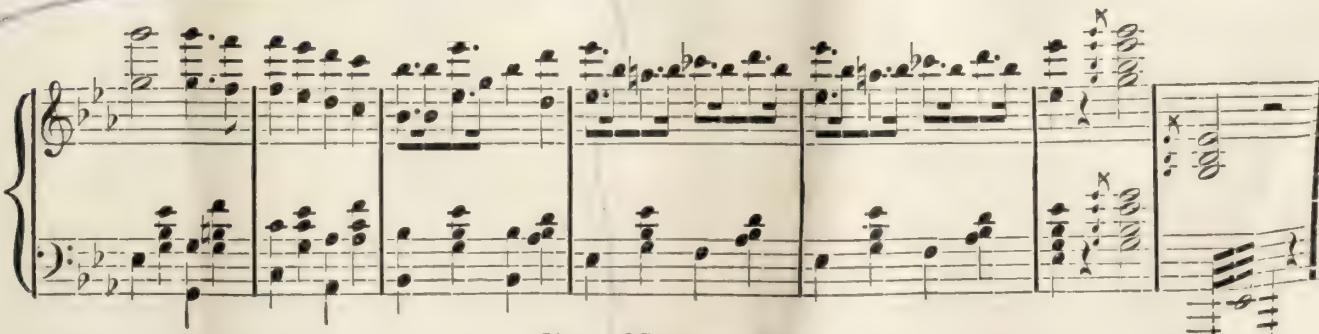
15 bars

identical

B. 15



Pirates of Penzance. 698-3.



# Piano Circle.

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ANGELIC HARP, . . . . .	F. Zahn.	C. Gounod.
AUTUMN FROLIC POLKA, . . . . .	C. Fraentzel.	H. Maylath.
BLOSSOM WALTZ, . . . . .	G. C. Taylor.	W. Hrench.
BUM, BUM! GALOP, . . . . .	J. Resch.	H. Lehner.
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TRUMPETER'S SERENADE, . . . . .		
TURKISH PARADE (T. Michaelis), . . . . .		

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Copyright, 1879.

UNITED STATES OF AMERICA.

Massachusetts District, ss.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To - Charles A. White and William F. Smith both  
of Boston in said District and citizens thereof  
Captains having their place of business in said  
Boston, under the name of White Smith & Company

Your Agents and Servants, GREETING.

WHEREAS

Arthur S. Sullivan, William S. Gilbert  
and Richard D'Oyly Carte all of London in the  
Kingdom of Great Britain

have exhibited their Bill of Complaint before the Justices of our Circuit Court of the United States for the First Circuit, begun and holden at Boston, within and for the District of Massachusetts, on the 15th day of October A.D. 1877, against you the said

Charles A. White and William F. Smith

praying to be relieved touching the matters therein complained of, and whereas, by an Order from said Court, made on the 24th day of April A.D. 1878, it was ordered that a Writ of Injunction issue under the Seal of the said Court, to restrain you and each and every of you, from doing all the matters and things from the doing of which you are prayed to be restrained in said Bill, according in full with the prayer of said Bill.

WE therefore, in consideration thereof, ENJOIN AND COMMAND you each, and every of you that from and immediately after the receipt and notice of this our Writ, by you, or any of you, you shall not advertise, publish, expose for sale or sell any publications like those marked "A" & "B" attached to the affidavit of Alfred Cellier filed with said Bill of Complaint, "A" being entitled "Pirates of Penzance. The Popular Airs arranged for Piano Forte, - Potpourri", and "B" being entitled "Favorite Melodies from the Pirates of Penzance", or like that <sup>marked "C"</sup> attached to a certain <sup>affidavit of</sup> <sup>filed with said Bill,</sup> affidavit of said Cellier, entitled "Pirates of Penzance, Vocal Gems, - The Pirate King" or any publications containing the words or music or any portion thereof of the <sup>entitled and known as</sup> "The Pirates of Penzance or the Slave of Duty", of which Arthur S. Sullivan and William S. Gilbert are the first and original authors and sole owners as alleged in said Bill of Complaint, and you shall not use, sell the types or plates on or with which said publications marked "A" "B" & "C" were printed.

WHEREOF you are not to fail on pain of ten thousand dollars, to be levied on your and each of your goods, chattels, lands and tenements, to our use.

Witness the Honorable Marrison R. Waite, at Boston,  
this twenty fourth day of April in the year of our Lord one thousand  
eight hundred and ~~seventy~~ eighty.

Alex. H. Grindridge, Deputy Clerk.

United States of America, }  
MASSACHUSETTS DISTRICT, ss.

April 24th 1870

I HEREBY CERTIFY that I have ~~notified~~ the within-named respondent ~~received~~  
service of the within on behalf  
of the debt.

W. H. Clarke  
Postmaster

IN EQUITY,

Sullivan et al  
versus  
W. H. Clark

WRIT OF INJUNCTION.

April 24. 1870

Deacon Palmer & Sonne

UNITED STATES OF AMERICA.

Massachusetts District, ss.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To Charles A. White and William F. Smith  
both of Boston in said District and citizens, their  
copartners having their place of business in said  
Boston under the name of White Smith & Company

Your Agents and Servants, GREETING.

WHEREAS

Arthur S. Sullivan, William S. Gilbert  
and Richard D'Oyly Carte, all of London in  
the Kingdom of Great Britain

have exhibited their Bill of Complaint before the Justices of our Circuit Court of the United States for the First Circuit, begun and holden at Boston, within and for the District of Massachusetts, on the 15<sup>th</sup> day of October A.D. 1879, against you the said

White & Smith

praying to be relieved touching the matters therein complained of, and whereas, by an Order from said Court, made on the ~~twentieth~~ <sup>Restraining Order</sup> ~~first~~ day of April A.D. 1880, it was ordered that a ~~Writ of~~ <sup>Restraining Order</sup> issue under the Seal of the said Court, to restrain you and each and every of you, from doing all the matters and things from the doing of which you are prayed to be restrained in said Bill, according in full with the prayer of said Bill, ~~until the~~ <sup>until the</sup> ~~Prayer for an injunction may be heard and decided by the Court.~~

WE therefore, in consideration thereof, ENJOIN AND COMMAND you each, and every of you that from and immediately after the receipt and notice of this our ~~Writ~~ <sup>Restraining Order</sup> by you, or any of you, you shall not advertise, publish, expose for sale or sell any publications entitled "Pirates of Penzance" like those ~~now~~ <sup>now</sup> ~~entitled~~ <sup>entitled</sup> "A" & "B" ~~all~~ <sup>all</sup> ~~which~~ <sup>which</sup> ~~are~~ <sup>are</sup> ~~affixed~~ <sup>affixed</sup> ~~to~~ <sup>to</sup> the ~~affidavit~~ <sup>affidavit</sup> of C. Fred Cellier ~~affixed~~ <sup>affixed</sup> to the ~~affidavit~~ <sup>affidavit</sup> of C. Fred Cellier filed with said Bill of Complaint, like that entitled "Pirates of Penzance" "Vocal Gems," and marked "C" and attached to a certain other affidavit of C. Fred Cellier filed with said Bill, or any publications containing the words or music or any portion thereof of the comic opera entitled and known as "The Pirates of Penzance or the Slave of Duty," of which Arthur S. Sullivan and William S. Gilbert are the first and original authors and sole owners as alleged in said Bill of Complaint, until the question for injunction during the pendency of said suit may be heard and determined by the said Circuit Court.

WHEREOF you are not to fail on pain of ten thousand dollars, to be levied on your and each of your goods, chattels, lands and tenements, to our use.

Witness the Honorable Marion R. Waite, at Boston,  
this ~~twentieth~~ <sup>thirtieth</sup> day of April, in the year of our Lord one thousand  
eight hundred and ~~seventy~~ <sup>eighty</sup>.

John G. Stetson Clerk.

United States of America, { Boston April 24  
MASSACHUSETTS DISTRICT, ss.

1880

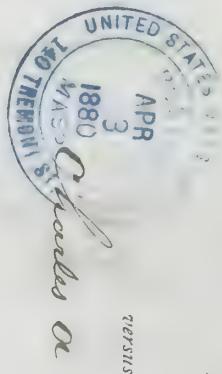
I HEREBY CERTIFY that I have notified the within-named respondent,  
while and I will by delivering  
to said White in hand & duly at  
copy of this process and by leaving  
at the last and usual place of abode of  
said White a like copy, in whom  
John J. Weeley are added member  
of said White's family.

Recd. 4-  
Copies 2-  
86.24

W. H. Davis  
At. J. Marshall

IN EQUITY,

Chas. S. Shillcock et al



WRIT OF INJUNCTION.

Containing Order  
2d M<sup>r</sup> 23. 1880

Deanne Palmer & Sonnen

District Court of the United States, }  
District of Massachusetts. } In equity.

Plaintiff William Taylor, Boston, Mass.

John S. Holmes of Cambridge,  
being duly sworn says I reside  
in Boston, Massachusetts. On the  
10<sup>th</sup> of April 1890 I called at  
the office of Messrs. Hale, Smith  
& Co. in Washington St. Boston  
and having seen an advertisement  
in the Boston Daily Herald of  
Saturday 10<sup>th</sup> 1890 that certain  
"New York Pictures of Romance" were  
for sale there, ~~and~~ I enquired of  
a sales man if such was the fact.  
He said it was and told me  
to file at the door a copy of the  
"Advertiser", which copy is annexed  
to the affidavit of Alfred Miller  
which I sealed 2<sup>nd</sup> I purchased  
the said copy and have  
marked the address of the  
publisher and for sake of convenience  
of the case. He said that they  
had in process of publication  
several of the historical scenes

both words and music, and  
would have them in sale on  
Wednesday April 1<sup>st</sup> 1880. On  
that day I again called at the  
same store and purchased two  
copies of the publication "The  
Pirate King," one of which copies  
is annexed to the second affidavit  
of said Walter Loring, and is as follows:  
"Upon inquiry, the salesman  
told me that other songs, words  
and music were in process of  
publication and would be for-  
eign very soon probably in a few  
days. I saw on the counter con-  
siderable numbers of publications  
affectionately the same as those  
I bought. A conspicuous advertise-  
ment or notice in the form  
of a placard, that these publi-  
cations were then for sale was  
set up outside the door of the  
store. Our attention was first called  
to the said advertisement in the  
Boston Daily Herald on Saturday  
April 1<sup>st</sup> 1880. Notice was at  
once sent by us to the Agent  
of Messrs Gilbert and Sullivan.

and Garte in New York, who upon receipt telegraphed us to proceed immediately to restrain the publication and sale of the infringing publications; in preparing for which we have used all possible diligence. When I made the purchase of the "Potpourri" at White, Smith & Co. I saw for sale and was asked if I wanted the publications annexed to said sellers affidavit marked "B".

Wm. H. Smith.

United States of America  
State and District of Massachusetts  
County of Middlesex

At Boston, in and for the county and County Court day of April 1880, personally appeared the above named party, "Wm. H. Smith" personally known and who signed the foregoing affidavit and made return at that the statement therein contained to be true.

before me

Wm. H. Smith



1391

Arthur J. Sullivan et al

Charles J. White et al

App. of Alfred Holmes



UNITED STATES OF AMERICA.

Massachusetts District, ss.

To Charles A. White and William F. Smith, both of Boston in said District and citizens thereof, doth accuse, having their place of business in said Boston under the name of White Smith & Company,

GREETING:

FOR CERTAIN CAUSES, offered before the Circuit Court of the United States of America, for the first Circuit, within and for the Massachusetts District, as a Court of Chancery, WE COMMAND AND STRICTLY ENJOIN you, laying all other matters aside, and notwithstanding any excuse, that you personally be and appear before our said Circuit Court at the Rules, to be holden at the Office of the Clerk of our said Court, in Boston, in said District, on the first Monday, being the ~~second~~ day of ~~June~~ next, to answer to a Bill of Complaint exhibited against you in our said Court, wherein

Arthur S. Sullivan William S.

Gilbert and Richard W. O'Conor, Carte all of London in the Kingdom of Great Britain and citizens thereof.

are Complainants and you are Defendant; and to do further and receive that which our said Circuit Court shall consider in this behalf. And this you are in no wise to omit, under the pains and penalties of what may befall thereon.

Witness, the Honorable Almonion R. Waite at Boston,  
this Twenty-third day of April A. D. 1884, in  
the one hundred and fourth year of the Independence of the United States of America.

Alex. H. Troubridge Deputy Clerk.

MEMORANDUM. The defendant is to enter his appearance in the suit in the Clerk's Office on or before the day at which the Writ is returnable, otherwise the Bill may be taken *pro confesso*.

A true copy, Attest:

United States of America  
District of Massachusetts Boston Apr 22 1880

Summons hereto I have this day served  
the within process by delivering a  
duly attested copy of the same in  
hand to the within named Charles W.  
White and I summoned said Smith  
by delivering a like copy at his last  
and usual place of abode in hand of Sarah  
Sweeney an adult member of said  
Smith's family

Per. 4-  
Copy 2-  
Total 46.18

W. P. Banks  
W. D. Manktel

In equity:  
Arthur S. Sullivan et al  
C.

vs. Charles A. White et al



Subpoena  
Witness: June 4th, 1880  
to witness June 4th, 1880

James, Thomas & Malone  
Attorneys.

UNITED STATES OF AMERICA.

Massachusetts District, ss.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

*To the Marshal of our District of Massachusetts, or to either of his Deputies,*

GREETING :

WE COMMAND YOU that you Summon *Charles A. White* and *William F. Smith* both of Boston in said District and citizens thereof each one having their place of business in said Boston under the name of *White, Smith and Company*

(if they may be found in your precinct)

to appear before the Circuit Court of the United States, to be holden at Boston, within and for the Massachusetts District, on *the first day of Tuesday next* day of *April current* at ten o'clock, A. M., then and there to show cause, if any they have, why an injunction should not issue against *Thomas* prayed for in the Bill of Complaint of *Arthur S. Sullivan, William* *Smith and Company* *all of London in the Kingdom of Great* *Britain and citizens thereof*

this day filed in the office of the Clerk of said Circuit Court.

HEREOF FAIL NOT, and make due return of this Writ, with your doings thereon, into our said Court.

*Witness, the Honorable* *Morrison R. Waite*  
*at Boston aforesaid, the twenty third day of April*  
*in the year of our Lord one thousand eight hundred and seventy eight*

*Morrison R. Waite* *CLERK.*

United States of America, } *Pr. in April 28 1880*  
MASSACHUSETTS DISTRICT, SS.

Pursuant hereunto, I this day summoned the within named

*Chas. White and William T. Smith*

to appear before the Circuit Court as within directed by ~~delivering in hand to~~  
~~said white a duly attested copy of this process and also by~~  
~~leaving a like copy at the last and usual place of abode~~  
~~of said Smith at hand of Sarah Greenly another member~~  
~~of said firm~~ *W. P. Banks* U. S. MARSHAL.

*Genl 4 -*  
*Cohen 2 - 24*  
*Pr. - 46. 2 4*

104  
In Equity,



RETURNABLE,

*April 26 1880*

*John C. White v. Pr.*

*John C. White & Son  
Attorneys.*

Surgeon's Court of the United States  
District of Massachusetts  
Boston, January 1.

Between William et al.

Plaintiffs vs. Webster et al.

John Kenner, being duly  
sworn, deposes and says:

I am ~~thirty~~ years of age,  
and reside in the city of New  
York. I am the representative in  
this country, having full power  
of attorney, of Richard D'Oyly  
Carde Esq. of London England, theatrical  
manager, and sole licensee of  
Messrs. W. S. Gilbert and Arthur Sullivan  
for the production of their operas  
"The Pirates of Penzance, or the  
Slave of Duty". As Mr. Carter attorney,  
I have for some time had charge  
of the management of the said piece

in this country, and of the companies now performing it. I know of my own knowledge that Mr. Carter and Messrs. Gilbert and Gillmore have devoted much time to and been at great expense in composing, arranging and preparing for the production of the piece, and in coming to the United States, and personally supervising the first performances. That there are now four companies engaged in its representation with an aggregate weekly salary list of over ~~eight~~ thousand dollars; that because of its great value to them all rights of production and reproduction of any part of the piece have been and are most carefully retained, and that special care has been taken to prevent either the words or the music from being made public. That contrary to the usual custom and at the cost of some inconvenience to those hearing the opera, no copies of the text are distributed and that none have ever been allowed to be made, except those absolutely necessary for use by the promptor and

performers, and these, when not actually in use, are most carefully preserved from all opportunity of becoming or being made public. The same precautions are observed with regard to the music. I know that the said Gilbert, Sullivan and Carte have taken these precautions because of the great value to them of the sole right to produce this opera in the United States, which right, I know to be of the value of many thousands of dollars and also to retain to themselves the sole enjoyment of said right, by preventing both the words and the music of the piece from being copied by or coming into the possession of any person except those duly authorized by them, and from publication. No license, right or authority whatever to perform the said piece or any of the words or music thereof has ever been given or granted by either the said Gilbert or Sullivan or Carte or by me, to any persons except those regularly engaged by them for its representation on the stage, and no

license, right or authority has ever been given or granted by either of them or by me to any person to publish either the words or music or any part of them: nor have they nor I ever in any way acquiesced in any such unlicensed performance or publication. On the contrary they and I have always used every endeavor and the greatest care to prevent such performance or publication and to retain exclusive possession and control of the said words and music, and the sole right to publication and performance thereof.

I have examined the publications marked A. B & C annexed to the affidavits of Alfred Cellier. These publications are not only wholly unauthorized by Messrs. Gilbert, Sullivan and Carte or any of them, or their agents, but I am informed and believe that many similar copies have been published and sold, and that the defendants have publicly announced that they intend and they do intend, to publish immediately

and have now in preparation and process of printing, other publications containing the words and music of other portions of the opera, and I fully believe that in this way a very great and irreparable injury amounting in extent to much more than five hundred dollars will be done unless such publication and sale be forthwith restrained and prevented.

I also depose of my own knowledge as well as on information that Messrs. Gilbert and Sullivan are respectively the original author and composer of the opera "Pirates of Penzance" and that the libretto and the music are not imitated or taken from preexisting works but are original and new.

*On file note re this  
1-12-1885*

Helen Fenwick

*Helen Fenwick  
1-12-1885*

1391

Author of *Sullivian's* *Sketch*

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Charles D. White et al.

Miss Helen Amour

C. C. & S. J.

Mass Dist 3 Oct 5 1879

No. 1391 Arthur S. Sullivan Pet. v Charles A. White et al.

Complete Costs

Bill, entry &c.	5.00
Marshal's fees, Service of subpoena & sums	12.42
Fr.	
Att'l:	
Retaining order 1/1, Service of <sup>4.00</sup>	7.24
Att'l fees:	
J. H. 80	
D. E. 40	
A. J. 200	
Dec 100	
Dec 400	8.70

Att'y fee  
Sjunction

Att'm Profits

Apr 14, 1880

\$ 34.36

0.00

Nov 30

Collins et al

White et al

Longest, Lott

Circuit Court of the United States  
District of Massachusetts  
In Equity.

Richard Williamson

Charles A. White et al

Alfred Leellier, of  
London England, being duly  
sworn deposes and says:-

I am the Alfred Leellier who has already  
made an affidavit in this matter.  
I have carefully examined the  
publication annexed hereto marked  
"A", and find that it contains  
substantially the same reproduction  
of the music from the Pirates  
of Penzance as is found in the  
publication marked annexed  
to my other affidavit. From



constant rehearsal, and in other  
ways, I am thoroughly familiar  
with the text of the opera, and  
find in "le" a杜林 of the  
words which are set in the  
original to the air of which "le"  
contains a reproduction.

I also dispose of my  
own knowledge as well as on  
information, that Messrs. Gilbert  
and Sullivan, are respectively original  
author and composer of the opera  
"Pirates of Penzance" and that the  
libretto and the music are not  
imitated or taken from previous  
works, but are original and new.

John H. Noffin, Alfred Cellier,

John H. Noffin

Debtors & Sureties

I beg you to accept

R. H. Shadley  
Notary Public  
11/10





"C"

# PIRATES OF PENZANCE

Vocal Gems.

1. Ruths Song	.35
2. The Pirate King	.35
3. The Model Major General	.35
4. Policemans 1 <sup>st</sup> Chorus. When the foeman &c	.35
5. Policemans 2 <sup>d</sup> Chorus. When a felon &c	.35
6.	
7.	
8.	

## Instrumental.

1. Potpourri de Concert (4 Hds. 1.00)	<i>C. D. Blake</i>	.75
2. Lancers Quadrille	<i>E.H. Bailey</i>	.50
3. Waltz	" "	.50

BOSTON  
WHITE, SMITH & COMPANY

516 Washington St.

Ottawa Ills.  
Simon Brothers.

Austin Texas  
Chas. T. Gisson.

Providence  
N. Darling & Co.



## THE PIRATE KING.

*From the Opera of Pirates of Penzance.*

Vivace.

1. For I am a pi - rate king ..... I am a pi - rate  
 2. When I sal - ly forth to seek my prey, I help myself in a

king ----- It is, it is a glori - ous thing, To  
 re - gal way, I sink a few more ships 'tis true, Than a

be - a pi - rate king ----- A - way to the cheat - ing  
 well - bred mon - arch ought to do, But man - y a king on a

world go you, Where pirates all are well to do, But I will be true to the  
 first class throne, If he wants to call his crown his own, Must some - how man - age



song I sing, And I'll live or die a pi - rate king, For I  
to get through More dir - ty work than ev - er I do, Though



am a pi - rate king..... I am a pi - rate king..... It  
I'm a pi - rate king..... I am a pi - rate king..... It



is, it is a glorious thing, To be a pi - rate king.....  
is, it is a glorious thing, To be a pi - rate king.....





April 8. 1860 Letter

Charles A. Abbott

u

Author of "Natural

1681